

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Civil Action No. : 1:10-cv-00569-RJA

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG, Individually, and
FACEBOOK, INC.

Defendants.

**NOTICE OF MOTION FOR
TEMPORARY RESTRAINING
ORDER AND FOR SANCTIONS
AGAINST DEFENDANTS AND
DEFENSE COUNSEL**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Exhibits and Declarations, Mr. Ceglia will move this Court, at a date and time to be set by the Court, for an order:

1. Temporarily restraining Defendants and/or their attorneys and agents from destroying any evidence relevant to this matter: to wit: computers currently in the possession of Parmet and Associates of Potomac, Maryland; and
2. Requiring All defense counsel to submit declarations regarding all necessary steps they have taken or will take to preserve this evidence until further order of this court; and
3. Requiring all defense counsel to submit declarations that detail if they were aware of the existence of the forensic copies of these computers created by Parmet and Associates, when they first became aware of that fact and the

justification for failing to disclose that fact to the court or Plaintiff in this matter; and

4. For sanctions against Defendants and Defense counsel including all attorneys fees for all work by all attorneys throughout the expedited discovery, all expert witness fees and costs incurred throughout the expedited discovery, all costs incurred by Plaintiff throughout the expedited discovery; and
5. A modification of the court's prior order granting expedited discovery whereby expedited discovery is terminated and all meetings and other matters initiating regular case discovery are undertaken.

Pursuant to Local Civil Rule of Procedure 7 of this Court, Plaintiff requests an oral argument and states his intention to file and serve a reply to Defendants' response to this motion.

Respectfully submitted,

/s/Dean Boland

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